

CASE D0114 NP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL984308478US
Express Mail Label Number

February 4, 2004
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ART UNIT: 1647

FEDER ET AL.

EXAMINER: BUNNER, BRIDGET E.

APPLICATION NO: 10/071,458

FILED: FEBRUARY 7, 2002

FOR: POLYNUCLEOTIDE ENCODING A NOVEL HUMAN
POTASSIUM CHANNEL BETA SUBUNIT, K+BETAM3

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
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Statement of Public Access to ATCC Deposit No. PTA-4055

Applicants representative hereby gives the following assurance by signature below:

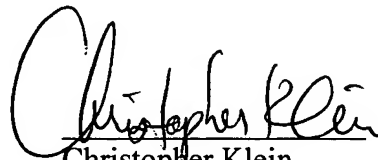
Bristol-Myers Squibb Company, an assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209. This deposit comprises K+betaM3 cDNA (in pCMVSPORT) encoding the human K+betaM3 polypeptide of the present invention. The deposit for the cDNA encoding human K+betaM3 was received and accepted on January 24, 2001, and given ATCC Accession Number PTA-4055.

In accordance with MPEP 2410.01 and 37 C.F.R. §1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number PTA-4055 will be irrevocably removed upon the grant of a patent based on the captioned application, except as permitted under 37 C.F.R. §1.808(b).

A copy of the ATCC Deposit receipt for Accession Number PTA-4055 is enclosed herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher Klein". The signature is written in a cursive style with a large initial "C".

Christopher Klein
Senior Counsel
Reg. No. 34,363

Bristol-Myers Squibb Company
Patent Department
• P.O. Box 4000
Princeton, NJ 08543-4000
609-252-3953
Date: February 4, 2004

ATCC



D0114 NP

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Bristol-Myers Squibb Company

Attn: John Feder

P.O. Box 5400

Princeton, NJ 08543

Deposited on Behalf of: Bristol-Myers Squibb Company

Identification Reference by Depositor:

Escherichia coli containing recombinant vector (pCMVSPORT) with human
cDNA insert: K + BETAM3

Patent Deposit Designation

PTA-4055

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received February 8, 2002 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 28, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: March 18, 2002

cc: Stephen D'Amico
(Ref: Docket or Case No.: D0114)